

IV. REMARKS

Status of the Claims

Claims 1, 11, and 21 are amended. Claims 1-27 are presented for further consideration.

Summary of the Office Action

Claims 1-6, 8,9, 11-16, 18-19, 21-24, and 26-27 stand rejected under 35USC103(a) on the basis of the cited reference Sakoda, U.S. Patent No. 6,665,533 in view of the reference Cox, et al, Pub. No. 2003/0216145. Claims 10 and 20 stand rejected under 35USC103(a) on the basis of the cited reference Sakoda, in view of Cox, further in view of Lohtia, et al (U.S. Patent No. 6,560,456. The Examiner is respectfully requested to reconsider his rejection in view of the above amendments and the following remarks.

Claims 7, 17, and 25 are indicated to contain patentable subject matter, if written in independent form.

Discussion of the Cited Reference

The Examiner continues to rely primarily on the reference Sakoda to support the rejections based on obviousness.

The disclosure of Sakoda fails in several respects. The examiner acknowledges that Sakoda does not disclose registering the received request for service content in the transmission queue maintained in the mobile communication system. However, Sakoda also fails to disclose the simultaneous transmission of the service content to all users on the mobile communication system that have requested the service content.

The Examiner's attention is directed to the disclosure of the reference Sakoda, at column 7, lines 9-13, as follows:

"Upon correctly receiving this, the CS 20.sub.-i further forwards or transfers it to the contents server 10 (demand for contents). The contents server 10 searches for and extracts the requested information (requested contents) and provides it to the requesting terminal 30.sub.-j."

The transmission of requested information must be separated from the transmission of advertisements, as described in Sakoda according to the following at column 7, lines 38-57, as follows:

"Specific information for the users is transferred on demand as before via the traffic channel (TCH), while advertisements are periodically distributed from the CS's 20.sub.-i not via the traffic channel (TCH) but by the common traffic channel (CTCH).

Accordingly, the distribution of advertisements does not interfere with the traffic channel (TCH).

Accordingly, Sakoda teaches the transmission of requested information, over a traffic channel (TCH) to the user who requested the information and to no one else. It is a one on one transmission. Sakoda teaches transmitting advertisements using a common traffic channel (CTCH) without reference to a request queue of any kind.

Claims 1, 11 and 21, as amended, contain the following description:

"registering the received transmission request in the transmission queue maintained in the mobile communication system;

"transmitting from the mobile communication system the service content to all mobile stations logged into a traffic channel through which one or more mobile stations can simultaneously receive the same service content."

Sakoda not only fails to describe a queue, it fails to teach a queue for reference when transmitting either the advertisements or requested information that are the subject of the transmissions in Sakoda. Therefore, Sakoda cannot teach the transmission of requested service content to all the users registered as requesting the service content via a common traffic channel.

The Examiner has cited the reference Cox, et al as describing a transmission queue according to the claims of this application. The examiner cites the following excerpt from the reference Cox:

"Incoming directory assistance calls received by switch 54 are connected, in a present embodiment of the invention, to an available operator via a T1 circuit 74 that is connected through the channel bank 56 to an operator's telephone headset. If no operator is available when a call is received, the call is queued until an operator becomes available. The queuing and call distribution scheme employs standard Automatic Call Distribution ("ACD")."

This is does not constitute a transmission queue used to register users requesting specific service content that is scheduled for transmission to all that request it. This is merely an "on hold" situation until an operator is available to receive and answer an inquiry. There is no reference to scheduled service content, available to users requesting the service content by registering in the transmission queue as in the subject invention.

The Examiner's speculation with respect to the motivation for combining the disclosures of Sakoda and Cox, namely, "to avoid traffic delays" has no relation to the subject invention. There is no need to modify the transmissions of Sakoda with the queue of Cox, as the system of Sakoda transmits requested information over a user-specific channel which is basically always available

and further the transmission of advertisements in Sakoda is on a broadcast, system wide basis.

Applicant submits that in view of the above, the cited references Sakoda in view of Cox does not support the Examiner's rejection based on obviousness.

The Issue of Obviousness

It is well settled that in order to establish a prima facie case for obviousness, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, without reference to the disclosure of this application.

Applicant submits that the above described deficiencies of the primary reference Sakoda are not remedied by the proposed combination with the teaching of the reference Cox et al. The combined references do not therefore support a prima-facie case of obviousness. The modification of the teachings of Sakoda or Cox, in order to obtain the invention, as described in the claims submitted herein, would not have been obvious to one skilled in the art.

In addition, it does not appear that the Examiner has considered the claims as a whole but has dismantled the claims and pursued a search for the individual features. The court admonishes in In re Fritch, 972F.2d1260 as follow:

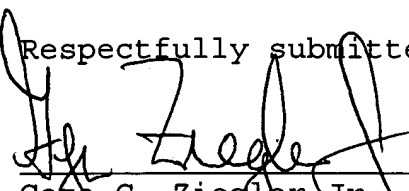
"It is impermissible to use the claimed invention as an instruction manual or "template" to piece together the teachings of the prior art so that the claimed invention is rendered obvious. This court has previously stated that "one cannot use hindsight reconstruction to pick and choose among isolated disclosures in the prior art to deprecate the claimed invention."

The above arguments apply equally to the rejected dependent claims.

For all of the foregoing reasons, it is respectfully submitted that all of the claims now present in the application are clearly novel and patentable over the prior art of record, and are in proper form for allowance. Accordingly, favorable reconsideration and allowance is respectfully requested. Should any unresolved issues remain, the Examiner is invited to call Applicants' attorney at the telephone number indicated below.

The Commissioner is hereby authorized to charge payment for any fees associated with this communication or credit any over payment to Deposit Account No. 16-1350.

Respectfully submitted,


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6 Sept 2005
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